

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Reid W. von Borstel

Atty. Ref.: 1331-337

Serial No. Unassigned

Group:

Filed: April 20, 2001

Examiner:

For: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL
DISEASES

* * * * *

April 20, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

Please amend this application as follows:

IN THE CLAIMS

Please cancel Claims 19, 43 and 44 without prejudice.

Please substitute the following amended claims for corresponding claims previously presented. A copy of the amended claims showing current revisions is attached.

1 (Amended). A method for treating or preventing pathophysiological consequences of mitochondrial respiratory chain dysfunction in a mammal comprising administering to said mammal in need of such treatment or prevention an effective amount of a pyrimidine nucleotide precursor, thereby treating or preventing said consequences; wherein said effective amount is from 0.05 to 0.3 grams of said precursor per kilogram body weight per day.

32 (Amended). A method for preventing death or functional decline of post-mitotic cells in a mammal due to mitochondrial respiratory chain dysfunction comprising administration of an effective amount of a pyrimidine nucleotide precursor, thereby preventing said death or functional decline; wherein said effective amount is from 0.05 to 0.3 grams of said precursor per kilogram body weight per day.

36 (Amended). A method for treating developmental delay in cognitive, motor, language, executive function, or social skills in a mammal comprising administration of an effective amount of a pyrimidine nucleotide precursor, thereby treating said developmental delay; wherein said effective amount is from 0.05 to 0.3 grams of said precursor per kilogram body weight per day.

41. A method for reducing side effects of cytotoxic cancer chemotherapy agents by administering a pyrimidine nucleotide precursor, where said cytotoxic

chemotherapy agent is not a pyrimidine nucleoside analog, thereby reducing said side-effects; wherein said effective amount is from 0.05 to 0.3 grams of said precursor per kilogram body weight per day.

REMARKS

Claims 1-18 and 20-42, 45 and 46 are presented. Claim 44 together with further dependent claims have been allowed in parent application Serial No. 09/144,096 filed August 31, 1998, of which the present application is a continuation application.

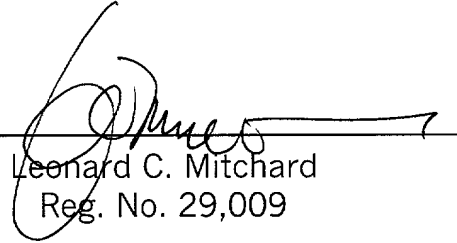
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "**Version With Markings To Show Changes Made.**"

Action on the present application is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lks
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

09/144,096

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

1 (Amended). A method for treating or preventing pathophysiological consequences of mitochondrial respiratory chain dysfunction in a mammal comprising administering to said mammal in need of such treatment or prevention an effective amount of a pyrimidine nucleotide precursor, thereby treating or preventing said consequences; wherein said effective amount is from 0.05 to 0.3 grams of said precursor per kilogram body weight per day.

32 (Amended). A method for preventing death or functional decline of post-mitotic cells in a mammal due to mitochondrial respiratory chain dysfunction comprising administration of an effective amount of a pyrimidine nucleotide precursor, thereby preventing said death or functional decline; wherein said effective amount is from 0.05 to 0.3 grams of said precursor per kilogram body weight per day.

36 (Amended). A method for treating developmental delay in cognitive, motor, language, executive function, or social skills in a mammal comprising administration of an effective amount of a pyrimidine nucleotide precursor, thereby treating said developmental delay; wherein said effective amount is from 0.05 to 0.3 grams of said precursor per kilogram body weight per day.

41 (Amended). A method for reducing side effects of cytotoxic cancer chemotherapy agents by administering a pyrimidine nucleotide precursor, where said cytotoxic chemotherapy agent is not a pyrimidine nucleoside analog, thereby reducing said side-effects; wherein said effective amount is from 0.05 to 0.3 grams of said precursor per kilogram body weight per day.